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No. 2008/084

TO COUNTY ASSESSORS:

DISASTER RELIEF—TREES AND VINES

Chapter 356 of the Statutes of 2008 (Senate Bill 1562) became effective on September 26, 2008. This legislation restarts the four-year exemption period for newly planted fruit and nut trees and the three-year exemption period for grapevines that were severely damaged by the strong winds or wildfires that occurred in October 2007.

Section 3(i) of article XIII of the California Constitution exempts from property tax any fruit and nut trees planted in orchard form until four years after the season in which they were first planted. Grapevines planted in vineyard form are exempt for three years. The land upon which the trees are planted remains subject to tax. Revenue and Taxation Code section 211 restates this provision and additionally restarts the exemption periods for certain freeze-related damage.

Chapter 356 added subparagraphs (4) and (5) to subdivision (a) of section 211 to restart the four- and three-year exemption periods for fruit and nut trees and grapevines that, while they were still in their exemption periods, were so severely damaged by specified wildfires and strong winds that they required pruning to the trunk or bud union to establish a new shoot. In October 2007, the Governor issued proclamations of a state of emergency for the strong winds in Riverside County and wildfires in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties. Consequently, these counties are eligible to provide this disaster relief to affected property owners.

A copy of the amended section 211 is enclosed for your information. If you have any questions regarding this legislation, please contact our Assessment Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

Section 211 of the Revenue and Taxation Code is amended to read:

211. (a) (1) The exemption of fruit- and nut-bearing trees until four years after the season in which they were planted in orchard form and grapevines until three years after the season in which they were planted in vineyard form is as specified in subdivision (i) of Section 3 of Article XIII of the California Constitution. ~~For~~

(2) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the December 1990 freeze so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard or vineyard form. ~~For~~

(3) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree severely damaged during the exemption period by the December 1998 freeze or the January 2007 freeze so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree shall be considered a new planting in orchard form.

(4) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the extremely strong and damaging winds that commenced on October 20, 2007, that were the subject of the Governor's November 2, 2007, proclamation of a state of emergency so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard form.

(5) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the wildfires that commenced on October 21, 2007, that were the subject of the Governor's October 21, 2007, proclamation of a state of emergency so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard form.

(b) The exemption of timber is as specified in subdivision (j) of Section 3 of Article XIII of the California Constitution and Section 436.